

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARGARET ANN WHITNEY-BIGGS,

01-CV-1682-ST

Petitioner,

ORDER

v.

MICHAEL MCGHEE,

Respondent.

STEVEN T. WAX

Federal Public Defender

ELLEN C. PITCHER

Assistant Federal Public Defender

101 S.W. Main Street, Suite 1700

Portland, OR 97204

(503) 326-2123

Attorneys for Petitioner

HARDY MYERS

Attorney General

YOULEE Y. YOU

Assistant Attorney General

Department of Justice

1162 Court Street NE

Salem, OR 97310

(503) 947-4700

Attorneys for Respondent

BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#111) on July 19, 2006, in which she recommended this Court deny Petitioner Whitney-Biggs's Amended Petition For Writ of Habeas Corpus (#21) and dismiss this matter with prejudice. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982).

This Court has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#111). Accordingly, the Court **DENIES** Petitioner Whitney-Biggs's Petition For Writ of Habeas Corpus (#21) and **DISMISSES** this proceeding **with prejudice**.

IT IS SO ORDERED.

DATED this 11th day of August, 2006.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge